

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

APOLLO D. JOHNSON,

Plaintiff,

v.

Case Number 12-10918

Honorable David M. Lawson

Magistrate Judge Laurie J. Michelson

ANDREW C. ELLISON,
JOHN DOE NOS. 1-4,
OFFICER MILLS,
OFFICER C. SHAW,
OFFICER W. NIERNBERG,
and ARUS JACOBS,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND DISMISSING CLAIMS AGAINST
DEFENDANT ANDREW C. ELLISON ONLY**

This matter is before the Court on the report issued February 28, 2013 by Magistrate Judge Laurie J. Michelson pursuant to 28 U.S.C. § 636(b), recommending that the Court grant defendant Andrew C. Ellison's motion to dismiss and dismiss all claims against him. Although the report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service, no objections have been filed thus far. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt. #30] is **ADOPTED**.

It is further **ORDERED** that defendant Andrew C. Ellison's motion to dismiss [dkt. #17] is **GRANTED**.

It is further **ORDERED** that all claims against defendant Andrew C. Ellison **ONLY** are **DISMISSED WITH PREJUDICE**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: March 19, 2013

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on March 19, 2013.

s/Deborah R. Tofil
DEBORAH R. TOFIL